

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Olaf SIMON et al.
International Application No. : PCT/EP2004/013280
International Filing Date : November 23, 2004
U.S. Serial No. : 10/583,479
For : SYSTEM

Mail Stop PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371**

S I R :

In response to the Notification of "Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" ("the Notification). dated February 16, 2006, a fully executed German language Declaration, included in PCT Form PCT/RO/101, was previously submitted to the Office at Mail Stop PCT on June 19, 2006 for the for the above identified U.S. national phase application. Accordingly, it is believed and respectfully submitted that the Notification is in error, and withdrawal of the Notification is respectfully requested. Enclosed are copies of the Declaration and the Application Transmittal which indicates at item 9 that a German-language Declaration was submitted. Also enclosed is a copy of the Return Postcard received from the USPTO for this application which notes the Office's receipt of PCT Form PCT/RO/101 and a signed Declaration in the application as filed. The enclosed Postcard constitutes "*prima facie* evidence of receipt in the USPTO of all items listed thereon[, including the Declaration,] on the date stamped thereon by the USPTO." M.P.E.P. § 503.

A copy of the Notification of Missing Requirements is also enclosed.

It is believed that no fees are due in connection with this response; however, should any fees be due, including the surcharge for late submission of the oath or declaration, the Commissioner is authorized to charge Deposit Account No. 11-0600 for such fees. A duplicate of this response is enclosed for this purpose.

Respectfully submitted,



Clifford A. Ulrich, Reg. No. 42,194
KENYON & KENYON LLP
One Broadway
New York, NY 10004
Tel: (212) 425-7200
Fax: (212) 425-5288
CUSTOMER NO. 26646

Date:

MAY 17, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/583,479	Olaf Simon	12604/25

INTERNATIONAL APPLICATION NO.

PCT/EP04/13280

I.A. FILING DATE

PRIORITY DATE

11/23/2004

12/19/2003

26646

KENYON & KENYON LLP
 ONE BROADWAY
 NEW YORK, NY 10004

CONFIRMATION NO. 4951

371 FORMALITIES LETTER



OC000000022526337

Date Mailed: 02/16/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/19/2006
- English Translation of the IA filed on 06/19/2006
- Copy of the International Search Report filed on 06/19/2006
- Preliminary Amendments filed on 06/19/2006
- Oath or Declaration filed on 06/19/2006
- Request for Immediate Examination filed on 06/19/2006
- U.S. Basic National Fees filed on 06/19/2006
- Substitute Specification filed on 06/19/2006
- Assignment filed on 06/19/2006
- Priority Documents filed on 06/19/2006
- Power of Attorney filed on 06/19/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - does not identify the application to which it is directed.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/583,479	PCT/EP04/13280	12604/25



SYSTEM Client: 12604 Matter: 25 Application No: 10/583479 (P51583 USW 0 170303 PC)

FEB 20 2007

RECEIVED
FEB 20 2007
FBI - NEW YORK

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

12604/25

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO

PCT/EP2004/013280

INTERNATIONAL FILING DATE

November 23, 2004

PRIORITY DATE CLAIMED:

19 December 2003 (19.12.03)

TITLE OF INVENTION

SYSTEM

APPLICANT(S) FOR DO/EO/US

Olaf SIMON; Jochen MAHLEIN; Josef SCHMIDT

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (German Language)
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification and Marked-Up Version of the Substitute Specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Form PCT/RO/101, Published International Application WO 2005/064764 A1, and International Search Report

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP2004/013280		ATTORNEY'S DOCKET NUMBER 12604/25	
21. The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic National Fee		\$ 300.00		\$ 300.00	
<input checked="" type="checkbox"/> b) Examination Fee		\$ 200.00		\$ 200.00	
<input checked="" type="checkbox"/> c) Search Fee		\$ 400.00		\$ 400.00	
TOTAL OF ABOVE CALCULATIONS		\$900.00		\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100	/50=		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	14 - 20 =	0	x \$50.00	\$ 0.00	
Independent Claims	1 - 3 =	0	x \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 900.00	
				Amount to be refunded:	\$
				Amount to be charged	\$ 900.00
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>11-0600</u> in the amount of <u>\$900.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-0600</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: KENYON & KENYON LLP One Broadway New York, New York 10004 CUSTOMER NO. 26646			SIGNATURE <u>Chih Lin</u> Clifford A. Ulrich (Reg. No. 42,194) NAME <u>June 19, 2006</u> DATE		

FORM PTO-1390 (REV 10-2003)

EV 884275321US

EV839709693US 12604125 10/583479

The stamp of the Patent Office hereon, may be taken as

acknowledging the receipt, on the date stamped, of

Patent Application

PATENT APPLICATION OF SINOW, QIAT, et al

Title System **1AP7 REC'd PCT/PTO 19 JUN 2006**

Specifications 14 pgs Assignment yes

No. of claims 14 Recording fee \$ 40.00

No. of drawings 16 Authorization to charge Dep. Acct. 11-0600

Declaration Signed German Language Priority Document 1

Filing fee \$ 900.00 Preliminary Amendment yes

Non-Publications request Small Entity
1-13 Substituted Specification pgs
1-13 Substituted Specification pgs
1-13 Substituted Specification pgs